FD

G. R. S. IX-5]

Previous references.

1892-3.

191

(Financial)

File No. 10

Serial Nos. 1-8

Later references.

Financial 13-93.

GENERAL AND REVENUE SECRETARIAT.

Major ~~Part~~ B for Sept: 93

SUBJECT.

Grant of Refund Bill for Rs 4 in favour of Shanbhogue Ramappa & Patel Mallah of Kumsi

---

Sl: 8

733/E

6339-40 & 29. 9. 93

To. The Dy: Commr Shimoga Dist:

The Comptroller.

Sanctions a Refund Bill for Rs 4-4-0 in favour of Shanbhogue Ramappa and Patel Mallah of Kumsi.

Indexed:

L. Sreenivasa Rao

Countersigned

W D 88—GPB—50,000—24-7-16

Section 7 CHIEF SECRETARY'S OFFICE.
File No W.92
Serial No 1076 REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Refund bill for Rs 4/- in favour of Shanbhogue Ramappa + Patel Mallah of Kumsi

LAST REFERENCE. Letter No. 180/151 dated 18th August 93
from the Dy Commr, Shimoga Distt

514
R 591

With his docket No. 1080/1037 dated 10th February 1893 the Deputy Commissioner of the Shimoga District submitted for sanction a bill for Rs 4-a- for refund of fine levied on Shanbhogue Ramappa and Patel Mallah of Kumsi for negligence in Collecting the Land Revenue and deducted in the Polgo bill for the half year ending

30th June 1892.

2

2. The Deputy Commissioner was asked to report whether the fine was remitted by him.

This Office No 15151 & 3604
14-3-93

3. The Dy Commissioner reported that the fine of Rs 4/ was remitted by the Amildar of Shimoga and the fact reported to him (by Commr) for refund.

Dy. Commr's No 1184 & 1138
21-3-93

4. In referring to Article 247(6) of the Civil account Code the Deputy Commr was informed that unless the fine in question had been remitted by him on appeal, it could not be refunded.

Proc. No 1215-6 Dr. & 374.
14-7-93

5 Now the Deputy Commissioner states that —

Dy Commr's docket No 180/157 Dr. 18/8/93

that there was no ap-
-peal from the parties con-
-cerned in the case, but on
the recommendation of the
Amildar, he (Dy Comm.) or-
-dered the refund of the
fine and solicits that
the refund bill submit-
-ted by him may be sanc-
-tioned.

We is unstamped to the remission of the fine by the Dy Comm.

6. Submitted for orders.

The provision of the Civil
account Code quoted above,
applies more to the restriction
of placing the fines in
deposit than to the necessity
of producing an order of
the appellate authority
for refund of such fines.
In the present case, the
Amildar who imposed the
fine deducted the same from
the Potgi payable to the Shanbhag
and Patel, but on a reconsidera-

* Extract put up

appears to have recommended the refund thereof which the Dy Commissioner allowed & submitted the Bills for the sanction of the Government.

Subs for orders

A Dy

8/9/95

The fine cannot be refunded. (vide order already passed in No 1215-6 dy 14.7.93)
5374

section 32 of the L.R.C lays down the procedure to be observed in recording a formal order for fining a subordinate officer. The parties concerned ought to have appealed to the Dy Com. When the Amildar once passes such a formal order. there should be no room for any reconsideration upon his own motion

When there are good grounds for having the order Cancelled or when fresh evidence forthcoming the matter should be made the subject of an appeal & the Order by the parties concerned.

H
9/9/93

For Revenue
Commissioners

VS 7/9

I think that every Act imposing a fine has a right to remit it on re-consideration.

Dy Comrs may be generally authorized to sanction repeals of fines imposed by their Subordinate officers, provided the ~~application for~~ repeal is made within 2 years from the imposition of the fine. — A order of

the Dy Comr will be a sufficient authority for Comptroller to admit the refund if the refund is made after 2 years or if the fees were originally imposed by the Dy Comr without the sanction of Govt must be obtained.—

No refund should be made without the express order of the Dy Comr or of Govt.—

Rest
Draft order on
Rec'd 29/6 Draft
30/6

2/9/93

Issue a General order to Native offices, & Sanction the refund in the present case

Mr
Vide draft purpose
file is with the
draft under issue.
29/6
30/6

7

Read:—

Docket No. 1080/1037 of 10th Feby 1893 from the Deputy Commissioner, Shimoga D.L., Submitting for sanction two bills, one for Rs 1-10-8 on account of pay due to Subba Row, Munegar of Belandur, Shikarpur Taluk, for the period occupied by him in transit from 10th to 14th September 92 in consequence of his transfer to Kumsi Sub Taluk, and the other for Rs 4/- for refund of fine levied on Shanboguc Ramappa and Potail Malliah for negligence in collecting the Land Revenue and deducted in the Potagi bill for the half year ending 30th June 1892.

(2) Docket No. 1184/1138 of 21st March

March 1893, from the same, stating that the bill for pay due to Subba Row was submitted for Govt sanction as the amount thereof remained undrawn for more than six months; and explaining as regards the refund of fine levied on the two village officials referred to that the ~~same was remitted~~ same was remitted by the Amildar and the fact reported to him (By Comr) a Order thereon

It is observed that the period between the date on which the pay for September 92 of Ramegar Subba Row was due, viz 1st October 92 and the date of the Deputy Commissioner's first

first Docket viz 10th Feby 1893 is within 6 months and that the Deputy Commissioner should not have submitted the bill for Govt sanction thereby causing unnecessary correspondence. The bill for Rs 1-10-0 submitted on his behalf together with the bill for refund of fine levied on Shanbogue Ramappa and Potail Mallial of Kumsi are however sanctioned and forwarded to the Comptroller for audit.

Dft

6/5/93. Undersecretary

To The Deputy Commissioner Shimoga Dt with vernacular correspondence

The Comptroller & the Govt of Mysore with bills.

Account Code runs thus:- (C)

"No fines should be placed in deposit on the ground that appeal is pending; they should be credited at once to Govt. and refunded, if necessary on order of the appelate Court &c"

RSR
7/6/93

Pass the Bill for Rs 1/10/8-

The Comptroller's Circular of 1869 has been declared in a recent case to be obsolete.

2. In regard to the other Bill, refer the Dy Comr. to Art. 247 (b) of the Civil Account Code and say that unless the fine in question has been remitted by the Dy Comr. on appeal, it cannot be refunded.

MRR
7/6/93

Asst 7/6/93

Draft submd
RSR
21/6/93

Draft put up. C

RP.

1. Refer to Comptroller's Cir No 704 dt 18th Augt 1869 as regards the Bill for Rs 1/10/8 and speak to me about it tomorrow.

2 as regards the other bill, is it not a rule that fines once collected cannot be refunded except on appeal to higher authority?

MRR
11/5/93

Submitted.

1. Copy of Comptroller's circular is put up.

2. Article 247 (b) of the Civil

5 1 JF

8941

Section Final 1872-93 3.93

File No From Dy Accountant General & Examiner Punjab

Serial No 1

To The Chief

Secretary to ~~Chief Commissioner,~~ the Govt
~~General Department.~~ of Punjab

Dated 10th February 1893

Despatched

Received

ENCLOSURES NO 2

General No. 1080 } 1872-93.
No. 1037

Forwards ten Municipal Establishment bills for sanction —

Ref Rs.
BR
13/2/93

To The Same No: 15157
G 3604 14/3

Bills returned and forwarded to Comptroller for audit.

Eng
26/2/93

Recd 14/3 File

Bill for Rs 1-10-8 does not require the sanction of Govt. Does it? In regard to the Mess Bill enquire whether the fine was remitted by the Govt

Note 20/3

1. Municipal Bill for Chamberlain Quarters and Water Rental for Mch 4-4-0
1. Pay allowed by Surgeon Lieut Col — " 1-10-8
1. — — —
1/

1

1892-93

From The Deputy Commissioner
Municipalities

To The Chief Secretary to the
Govt of Mysore

Dated the February 1893

No 1080 Ex 2
1037

Have the honour to forward herewith the marginally noted bills for sanction and transmission to the Comptroller for audit.

[illegible]
for Deputy Commissioner.

1893

2- Encls to 81 /

Financial

Arrears of pay of Talook Establishments

Circular No. 704 dated 18th August 1869.

With a view to put a Stop to the objectionable practice which prevails in Some Districts of Sending in bills for old arrears of pay Said to be due to employes of Talook and Village Establishments, the undersigned has the honor, by desire of the Chief Commissioner to point out to Deputy Superintendents, District Treasury officers and Amildars that instructions have been issued in Account Department Circular No. 578 of 20th July 1868 (Mysore Gazette dated 1st August 1868) for the disbursement of pay on the 1st and 2nd of the month after it

is

is due to those employes who are present at Head Quarters; and on any day between the 1st and 10th to those who are on duty at a distance and cannot attend at the Cutcherry on one particular date, while — permission has also been given to send the pay of those Servants who cannot leave their posts, through the agency of the Sheikdars. This is no reason therefore for allowing arrears of pay to accumulate beyond a month, except for men who may be absent on leave who are allowed to be paid whenever they may return to duty up to 20th of a month.

2. Under these circumstances Deputy Superintendents and Treasury officers are requested to take notice and the Amildars

Amildars and other Talook officials are warned, that after receipt of this Order no charge for arrears of pay older than the month immediately preceeding that of payment will be admitted in Talook accounts except for men who may have been absent on authorized leave.

3. Amildars are hereby directed to apprize all Talook and village Servants that if they neglect to apply either in person or by urji for their pay at the prescribed periods, and within the month in which it falls due, it will be forfeited to Government, and any amildar who may through neglect disburse any arrears of pay in contravention of these orders, will be.

be required to refund the amount to Government by deduction from his own Salary.

(Signed) H. Hudson

Deputy Accountant General in Burma.

for 1892-93

on Floods

File No W° 92 Dy: Comr-

Serial No 2 Ahmednagar

No 15151
F3604

dated 14/16 March 93.

With docket No 1080/1037 of
10th Febry 93, submitting
for sanction 2 Bills —
one for Rs 1/10/8 on account
of pay due to Subba Bin-
Honegar of Balandur,
Shirkanpur District for the period
occupied by him in travel
from 10th to 14th Sept 92
in consequence of his transfer
to Ramsi Sub-District as
Shekdar and the other
for Rs 4/- for refund of fine
levied on Shambrao Ramaji
Potail Mallah for
negligence in collecting
the Land Revenue and
debited in the Potagi
Bill for the half year ending
30th June 92.

With reference to the Bill
for Rs 1/10/8, the Dy: Comr
is requested to state the
~~[illegible]~~ mile

under which the
sanction of Govt is
sought.

2. In regard to the
other bill for Rs 4 enquiries whether the
fine was remitted by
the Dy Comr. His Informa-
tion should have been given
on this point.

14/3

(General Serial No. 30.)

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

M. G. O. P. Bangalore.—30-1-93.—5,000.

Dewan 23/3/93

Rille 25/3

Sir

Returns are hereby

BBR
24/3/93

Recd & draft subm
6/5/93.

8

(General) Serial No. 39)

Section General 189

File No W-72

From

Serial No The Deputy Commissioner
Shimoga District

OFFICE OF THE
10802
23 MAR 93
G 4856

To

The Chief Secretary to the Dewan
of Mysore.

Dated 21st March 1893.

Despatched

Received

Enclosures No. Vern: papers

General No. 1184
No. 1138

With reference to his
docket No 15151
Genl No 3604
dated 14th Instant states
the circumstances under
which the Government
sanction is sought
for the two Bills on
account of the transit pay
due to R. Siddaramane
gar of Belandur, Shikar
pur Taluk

M. G. C. P. Bangalore.—27-1-93.—5,000.

1893. G

From

The Deputy Commissioner
Shimoga District

To

The Chief Secretary to the
Dewan of Mysore.

Dated 21st March 1893.

No 1184 en Ver: paleno
1138

His docket No 15151 dated 14th
Genl no 3604
Instant requesting to state the rule
under which the sanction of Govern-
ment is sought for a bill amounting
to Rs 1-10-8 on account of the tran-
sit pay due to R. Subba Rao and
whether the fine of Rs 4 was re-
mitted by the Deputy Commissioner.

With reference to the above, has
the honor to state that as the amount
of the bill due to R. Subba Ra
referred to therein remained un-
drawn for more than 6 months
it was submitted for the sanction
of Government.

The fine of Rupees 4

imposed on Shanbhog Ramappa and Patel Mallappa of Kumsi Sub Taluk was remitted by the Amildar of Shimoga and the fact reported to this office for refund of the fine as will be seen from the enclosed Vernacular correspondence ending with the Kumsi Deputy Amildar's Tilla No 410 dated 14th January 1893.

The Vernacular correspondence may be returned when no longer required

V. R. Ameenpur Ogra

for Dy Commissioner

Section Final
File Read:- W-92
Serial No. L Docket No. 1080/1037 of 10th February 1893 from the Deputy Commissioner, Shimoga D.[illegible] Submitting for Sanction, two Bills viz:- one for Rs 1-10-8 on account of pay due to Subba Rao, Munegar of Belandur, Shikarpur Taluk, for the period occupied by him in transit from 10th to 14th September 92 in consequence of his transfer to Kumsi Sub Taluk and the other for Rs 4/- for refund of fine levied on Shanbogue Ramappa and Potail Mallappa Mollcah for negligence in collecting the Land Revenue and deducted in the Potagi bill for

for the half year ending
30th June 1892.

2. Docket No 1184 & 1138 of 21st March 1893 from the Same Stating that the bill for pay due to Subba Rao was Submitted for Govt Sanction as the amount thereof remained undrawn for more than Six months; and explaining, as regards the refund of fine levied on the two village officials referred to, that the Same was remitted by the Amildar and the fact reported to him (Deputy Coll?).

Orde thereon No 1215-6 & 1374 of 14-7-93
Some

The bill for Rs 1-10-8
is Sanctioned and forwarded
to the Comptroller for audit.

2. With regard to the other
bill

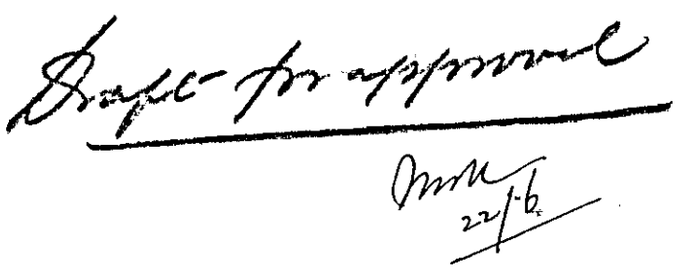
bill for Rs 4/- for refund of fine levied on Shanbogue Ramappa and Potail Malliah, the Govt observe that unless the fine in question has been remitted by the Deputy Commissioner on appeal, it cannot be refunded, ~~and~~ draw the attention of the Deputy Commissioner to proviso to article 247(6) of the Civil Account Code.

Dft

Chief Secretary

RMR
21/6/93.

To The Deputy Commissioner Shimoga Dt
The Comptroller to the Govt of Mysore with bill



13

(General Serial No. 30.)

Section Revenue

File No. H. 22. 1893-94

Serial No. 431

From The Deputy Commissioner Kadur Division

OFFICE OF THE 1166 JUL 93

To

The Chief Secretary to the Dewan of Mysore.

Dated 26: July 1893

Despatched

Received

Enclosures No. –

General No. 78 } 1893-94
No. 63 }

With ref: to Govt: Proc: Rev: No. 1215-68 14: Instant, p. 374. Requests to return the Vernacular file of papers relating to the Affee Inam 1184 & 21st Hoard 1138 1893 – ____

P. Return Mr 28/7

Li

References Entered.

DAA

31/7/93

13

1893-94

From The Deputy Commissioner
Shimoga District
To The Chief Secretary to the
Durbar Mysore

Dated 26th July 1893

No. 78/63 Ex. —

Government Prog. No. 1215-6
G. 374
dated 14th Instant.

Have the honor to request
the favor of Returning for re
ference the Vernacular file
of papers sent with this Office
Docket No. 1184/1138 dated 21st March
1893 —

Abdul Rahman K.B.S.
Deputy Commissioner

1824

Section 10 Legal
File No W. Mg. Deputy Comm
Serial No 6 Shimoga Dr

74

Dated 3 August 189

No 2145 & 598 & Vs.

His docket No 78/63 the

26 July 1893

As requested in the above, has the honor to return the Vernacular papers submitted with his docket No 1184/1138 of the 21 March 1893.

B.O.

Mun 3/8
Under

16

Section (General Serial No. 1301) 1 2 3 4

File No. 4 92 1893 1 2 3 9

Serial No. From Q 7 R 591

The Deputy Commr
Shimoga Dt.

To

The Chief Secretary to the Dewan of Mysore.

Dated 18th }
Despatched } August
Received

Enclosures No. —

General No. 160
No. 151

With reference to Pro
No. 1215-6 dated 14 Ultimo
requesting that under
the circumstances stated
the refund bill referred
to may be sanctioned.

Rev. Mrn
24/8

Submitted note for orders
B B
8/9/93

To Memo No 6339-409 dated 29/8/93

Read 21/8

MV

1893 B

From

The Deputy Commissioner
Shimoga District

To

The Chief Secretary to the
Dewan of Mysore

Dated 14th
Recd. } August

No. 180/151 Gen -

Government Proceedings
No. 1215-6 dated 14th Ultimo,
concerning that unless the fine
imposed on Shanbog Ramappa
and Patel Vinallah has been
remitted by the Deputy Com-
missioner on appeal, the
fine cannot be remitted.

With reference to the

alone has the power to state that there was no appeal from the parties fined in this case. The Auditor who imposed the fine recommended it to be remitted, and the Deputy Commissioner accepting the recommendation ordered the refund of the fine. This was tantamount to the remission of the fine by the Deputy Commissioner. The facts should have been clearly explained in the Bill submitted.

Requests that the refund bill may be sanctioned.

Abdul Rahman K.B.
Deputy Commissioner
Shimoga

MCL

Supplemental Pay Bill of Patel and Shanbogue ——

Name of Patel and Shanbog.	Amount			Remarks
1 Ramappa Shanbog of Kumsi	2	-	-	This Shanbog was fined Rs 2/- for negligence in collecting the Land Revenue and was deducted in the Patagi Bill for the half year ending 30th June 1892. The Amildar now recommends the refund of the fine hereto. Bill
2 Malliah Patel of —do—	2	-	-	—do— do — Sanctioned Vide Prof. 6th 37 Sec 1.
Total	4	-	-	Rupees four only.

Shimoga
10th February
1893

"Office Copy"

(signed) M Krishnaiengar
4 for Deputy Commissioner

18

Section (General Serial No. 30.)

File No. W-921893

From

Serial No. 8

The Chief Secretary to the Dewan of Mysore.

To The D. C. Shimoga Distt
" Comptr to the Govt
Bellpore.

Dated 29th Septr 1893

Despatched

Received

Enclosures No.

General No. 6339-40
No. R. 7-13-93

Sanctioning a Refund Bill for Rs. 4 in favour of Shan-bogue Ramappa & Patel Mallaiah of Kumsi —

Read letter No 1500 & 1801 Atty Gl
of 13 from the Dy Commr Ahmedabad
Distt forwg a Memorial
from 4 Merchants praying levied
on Manekpur Ramapa
& Patel Mallaia and
afterwards annulled

Order The Memorial with
Annexes forwarded to
the Comptroller Gujarat.
Separate General
Orders will issue for
guidance in such cases -

Sd/-
29/9
Asstt Secy

No 6339-40 dt 25-9-93
R. 7-13-93
2-10.
Sml.

Secy to Govt Revenue Dept
The Comptroller with Mem -
29/9/93

Ber for
Draft this for
Govt orders
& memorandum
Sd/-
29/9

Secy to Govt Revenue Dept
The Comptroller with Mem -
29/9/93